

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

TEXAS BANKERS ASSOCIATION, et al.,

Plaintiffs,

v.

OFFICE OF THE COMPTROLLER OF
THE CURRENCY, et al.,

Defendants.

Case No. 2:24-CV-00025-Z-O

**DEFENDANTS' CONSENT MOTION FOR ONE-WEEK ENLARGEMENT OF TIME
TO RESPOND TO PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

Defendants Office of the Comptroller of the Currency, Michael J. Hsu in his official capacity, the Board of Governors of the Federal Reserve System, Jerome Powell in his official capacity, the Federal Deposit Insurance Corporation, and Martin J. Gruenberg in his official capacity (collectively "Defendants"), respectfully move for an enlargement of time to respond to the Motion for a Preliminary Injunction filed by Texas Bankers Association, Amarillo Chamber of Commerce, American Bankers Association, Chamber of Commerce of the United States of America, and the Independent Bankers Association of Texas (collectively, "Plaintiffs"). In support of their motion, Defendants state as follows:

1. Plaintiffs filed their Motion for a Preliminary Injunction on February 9, 2024. Dkt.
20. Accordingly, Defendants' responsive pleading is due on or before March 1, 2024.

2. Because of the significance of the matters at issue, the press of other ongoing litigation, the need to coordinate among three separate federal agencies,¹ and the desire to submit a single, consolidated response on behalf of all Defendants, Defendants' counsel require additional time to finish researching and drafting Defendants' opposition papers. Defendants respectfully request an extension, through and including March 8, 2024, within which to respond to the Motion for a Preliminary Injunction.

3. This is Defendants' first request for an enlargement of any deadline in the case.

4. This brief enlargement of time will not prejudice any party and will afford Defendants adequate time to appropriately prepare the arguments in their forthcoming opposition and to do so in a consolidated brief for the benefit of the Court and all parties.

5. Defendants' counsel met and conferred with Plaintiffs' counsel on February 9, and Plaintiffs' counsel agreed to Defendants' request for enlargement of time, as so stated in Plaintiffs' Certificate of Conference filed with their original motion. Dkt. 19 at 8.

WHEREFORE, Defendants request that their motion be granted and that they be afforded 28 days to respond to the Motion for Preliminary Junction, through and including March 8, 2024.

Signatures begin on next page

¹ Defendants, each of which has independent litigation authority by statute, must also seek *pro hac vice* admission and ECF filing privileges for their counsel. Although the undersigned has entered an appearance in the case and files this motion on behalf of the Defendants in the interest of time, Defendants expect to seek leave of the Court to proceed without local counsel in conjunction with their admission papers.

Respectfully submitted,

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES ATTORNEY

/s/ George M. Padis

George M. Padis
Assistant United States Attorney
Texas Bar No. 24088173
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
214-659-8645
george.padis@usdoj.gov

Attorneys for Defendants

/s/ Joshua P. Chadwick

Joshua P. Chadwick (*pro hac vice*
forthcoming)
Nicholas Jabbour (*pro hac vice* forthcoming)
Board of Governors of the Federal Reserve
System
20th Street and Constitution Avenue, N.W.
Washington, D.C. 20551
joshua.p.chadwick@frb.gov
(202) 263-4835

*Counsel for Defendant Board of Governors of
the Federal Reserve System and Jerome
Powell, in his Official Capacity*

/s/ Peter C. Koch

Peter C. Koch (*pro hac vice* forthcoming)
Director for Litigation
Ashley W. Walker (*pro hac vice* forthcoming)
Special Counsel, Litigation
Office of the Comptroller of the Currency
400 7th Street SW, Mailstop 9E-1
Washington, DC 20219
Tel: (202) 649-6313

Email: peter.koch@occ.treas.gov

*Counsel for Defendant Office of the
Comptroller of the Currency and Michael J.
Hsu, in his Official Capacity*

/s/ Andrew J. Dober

Andrew J. Dober (*pro hac vice* forthcoming)

Senior Counsel

Herbert G. Smith II (*pro hac vice*
forthcoming)

Counsel

3501 Fairfax Drive, D-7028

Arlington, VA 22226-3500

Tel: (703) 562-2460

Email: adober@fdic.gov

*Counsel for Defendant Federal Deposit
Insurance Corporation and Martin J.
Gruenberg, in his Official Capacity*

DATED: February 21, 2024

CERTIFICATE OF CONFERENCE

I HEREBY CERTIFY that on February 9, respective counsel for Plaintiffs and Defendants met and conferred, and it was agreed that the Defendants may have 28 days to respond to Plaintiffs' Motion for Preliminary Injunction, through and including March 8, 2024.

/s/ Andrew J. Dober

Andrew J. Dober

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 21, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel and parties of record registered to receive such notices.

/s/ George M. Padis
George M. Padis